

Dec'd 3-16  
FILED  
DISTRICT COURT  
DUCHESNE COUNTY, UTAH

MAR 20 2001

JOANNE MCKEE, CLERK  
BY                      DEPUTY

MICHAEL M. QUEALY, No. 2667  
RENEE SPOONER, No. 6993  
Assistant Attorneys General  
MARK L. SHURTLEFF, No. 4666  
UTAH ATTORNEY GENERAL  
ATTORNEYS FOR UTAH STATE ENGINEER  
1594 West North Temple, Suite 300  
SALT LAKE CITY UT 84116  
Telephone: (801) 538-7227

---

IN THE DISTRICT COURT OF THE EIGHTH JUDICIAL DISTRICT  
IN AND FOR DUCHESNE COUNTY, STATE OF UTAH

---

---

IN THE MATTER OF THE GENERAL	:	ORDER OF DISTRIBUTION
DETERMINATION OF ALL RIGHTS	:	
TO THE USE OF WATER, BOTH	:	Civil No. 56080056CV
SURFACE AND UNDERGROUND, WITHIN	:	
THE DRAINAGE AREA OF THE UNITA	:	Judge John R. Anderson
BASIN IN UTAH	:	
	:	

---

Pursuant to the Motion of the State Engineer for an Order of Distribution requesting that the waters of the Duchesne-Strawberry River System be distributed according to the schedule prepared by the State Engineer and for an interim Order of Distribution, and good cause appearing therefore, it is hereby ORDERED that:

1. The Duchesne River Commissioner is to distribute the waters of said System according to the distribution schedule prepared by the State Engineer (attached hereto as Exhibit "A") when the flow of water drops to the point that it becomes necessary to place the Duchesne-Strawberry River System on regulation pending further Order of this Court;

2. The River Commissioner is further allowed to use

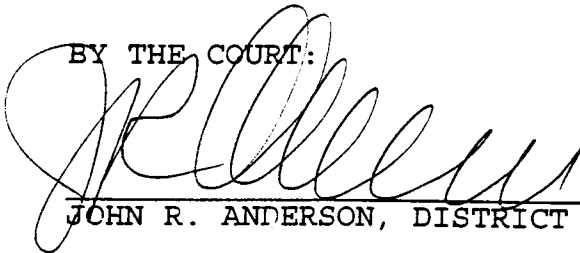
Starvation Reservoir as a regulating device in conjunction with the distribution schedule for those water users making appropriate arrangements with the Central Utah Water Conservancy District, so long as other rights are not impaired, and so long as such users have in place adequate measuring devices approved by the State Engineer;

3. This Order shall take effect upon execution by the Court, and shall remain in effect for the 2001 irrigation season unless otherwise ordered by the Court. Provided, however, that nothing in this Order shall foreclose a water user from filing an objection at any time during the 2001 season;

4. This Order is made and entered without prejudice to the claims or assertions of any of the parties in subsequent proceedings in this action, and does not constitute a final determination by this Court on the rights of the parties or the final duty of water from this source.

DATED this 19<sup>th</sup> day of March, 2001.

BY THE COURT:

  
JOHN R. ANDERSON, DISTRICT JUDGE

**CERTIFICATE OF SERVICE**

I hereby certify a copy of the foregoing **ORDER OF DISTRIBUTION** was served by mailing the same, first class postage prepaid, this 14<sup>th</sup> day of March, 2001, to:

Robert S. Thompson, III  
Ute Indian Tribe  
Office of Legal Counsel  
P.O. Box 190  
FORT DUCHESNE UT 84026

Steven E. Clyde  
Clyde Snow Sessions & Swenson  
One Utah Center  
201 South Main, 13<sup>th</sup> Floor  
SALT LAKE CITY UT 84111

Todd Smith  
Whiteing & Smith  
Attorneys at Law  
1136 Pearl Street, Suite 203  
BOULDER CO 80302

Duchesne and Strawberry  
Rivers Water Users Assoc.  
Art Taylor, Chairman  
Box 123  
DUCHESNE UT 84021

David Frandsen  
Bureau of Reclamation  
302 East 1360 South  
PROVO UT 84606-7317

William R. McConkie, Attorney  
6201 Federal Building  
125 South State Street  
SALT LAKE CITY UT 84138

Gayle F. McKeachnie  
Attorney at Law  
121 West Main Street  
VERNAL UT 84078

Roland Uresk  
Attorney at Law  
47 North 200 East  
ROOSEVELT UT 84066

Shawn E. Draney  
Attorney at Law  
10 Exchange Place, 11th Floor  
SALT LAKE CITY UT 84145

John Swasey  
Duchesne River Commissioner  
HC 1 Box 145  
DUCHESNE UT 84021

Guy L. Taylor & Ben D. Mitchell  
HC 2 Box 40  
DUCHESNE UT 84021

Quene M. Kirkmerle

Proposed Delivery Schedule for Zone I\* Duchesne River

May 1 - October 15, 4.0 Acre-Feet per Acre.

<u>PERIOD</u>		<u>DUTY</u>		<u>DELIVERY</u>	
Date	No. Days	CFS/Acres	Ac. Ft. Day	Ac. Ft. Period	Accum. Ac. Ft.
(1)	(2)	(3)	(4)	(5)	(6)
May 1-15	15	1/100	0.01983	0.298	0.30
May 16-31	16	1/60	0.03306	0.529	0.83
June 1-15	15	1/60	0.03306	0.496	1.32
June 16-30	15	1/65	0.03051	0.458	1.78
July 1-15	15	1/70	0.02834	0.425	2.21
July 16-31	16	1/80	0.02479	0.397	2.60
Aug. 1-15	15	1/80	0.02479	0.372	2.98
Aug. 16-31	16	1/85	0.02333	0.373	3.35
Sept. 1-15	15	1/100	0.01983	0.298	3.65
Sept. 16-30	15	1/150	0.01322	0.198	3.84
Oct. 1-15	15	1/200	0.00991	0.149	3.99

\*Zone I includes the lands irrigated between the headwaters of the Duchesne River and the bridge (locally known as Williams Bridge) on State Route 35 just above the confluence of Rock Creek with the Duchesne River.

EXHIBIT

A

tabbles

Proposed Delivery Schedule for Zone II\* Duchesne River

April 20 - October 15, 4.0 Acre-Feet per Acre.

<u>PERIOD</u>		<u>DUTY</u>		<u>DELIVERY</u>	
Date	No. Days	CFS/Acres	Ac. Ft. Day	Ac. Ft. Period	Accum. Ac. Ft.
(1)	(2)	(3)	(4)	(5)	(6)
Apr. 20-30	11	1/145	0.01368	0.150	0.15
May 1-15	15	1/100	0.01983	0.298	0.45
May 16-31	16	1/85	0.02333	0.373	0.82
June 1-15	15	1/60	0.03306	0.496	1.32
June 16-30	15	1/65	0.03051	0.458	1.78
July 1-15	15	1/70	0.02834	0.425	2.21
July 16-31	16	1/80	0.02479	0.397	2.61
Aug. 1-15	15	1/80	0.02479	0.373	2.98
Aug. 16-31	16	1/85	0.02333	0.373	3.35
Sept. 1-15	15	1/100	0.01983	0.298	3.65
Sept. 16-30	15	1/150	0.01322	0.198	3.85
Oct. 1-15	15	1/200	0.00991	0.149	4.00

\*Zone II includes the lands irrigated between the bridge (locally known as Williams Bridge) on State Route 35 just above the confluence of Rock Creek and the Duchesne River and down to the confluence of the Strawberry River with the Duchesne River.

Proposed Delivery Schedule for Zone III\* Duchesne River

April 1 - October 15, 4.0 Acre-Feet per Acre.

<u>PERIOD</u>		<u>DUTY</u>		<u>DELIVERY</u>	
Date	No. Days	CFS/Acres	Ac. Ft. Day	Ac. Ft. Period	Accum. Ac. Ft.
(1)	(2)	(3)	(4)	(5)	(6)
Apr. 1-15	15	1/160	0.01240	0.186	0.186
Apr. 16-30	15	1/160	0.01240	0.186	0.372
May 1-10	10	1/125	0.01587	0.159	0.531
May 11-20	10	1/90	0.02204	0.220	0.751
May 21-31	11	1/80	0.02479	0.273	1.024
June 1-10	10	1/70	0.02834	0.283	1.307
June 11-20	10	1/70	0.02834	0.283	1.590
June 21-30	10	1/75	0.02645	0.265	1.855
July 1-10	10	1/75	0.02645	0.265	2.120
July 11-20	10	1/80	0.02479	0.248	2.368
July 21-31	11	1/80	0.02479	0.273	2.641
Aug. 1-15	15	1/80	0.02479	0.372	3.013
Aug. 16-31	16	1/85	0.02333	0.373	3.386
Sept. 1-15	15	1/100	0.01983	0.297	3.683
Sept. 16-30	15	1/150	0.01322	0.198	3.881
Oct. 1-15	15	1/250	0.00793	0.119	4.000

\*Zone III includes all the lands irrigated below the confluence of the Strawberry River with the Duchesne River.